IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 33720 of 2004(L)

PETITIONER:

DR.PHILO AKKARAPALLY,
D/O. LATE A.C.AYPPUNNI, NEAR PUTHANPALLI BASLICA,
SOUTH ROUND, THRISSUR TOWN.

BY ADV. SRI.ROY CHACKO

RESPONDENTS:

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1. THE SECRETARY,
CORPORATION OF THRISSUR, AYYANTHOLE, THRISSUR.

2. MR.T.E.BALAN, S/O. THAYIL RAMAN,
KANIMANGALAM VILLAGE, THRISSUR.

R1 BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATION
R2 BY ADV.SRI.M.DINESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No. 33720 of 2004

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Dated: 4th December, 2007

JUDGMENT

The principal issue which arises between the parties in this case is as to whether the first respondent-Corporation is justified in demanding arrears of water supply charges and electricity charges from the petitioner who is the landlady of the building. According to the petitioner, it is the second respondent-tenant who should be made liable to pay water supply charges and electricity charges for the periods during which the building was under the occupation of the 2nd respondent. Even though Mr.Roy Chacko, learned counsel for the petitioner has addressed me very strenuously, it is brought to my notice that the issue is even now pending consideration before the Additional District Court, Thrissur in A.S.No.194/04. In view of A.S.No.194/04, it is not proper on the part of this court to examine the issue in this Writ Petition under Article 226 of the Constitution. I dispose of the Writ Petition directing the I Additional District Court, Thrissur to give top priority to A.S.No.194/04, hear the parties therein and dispose of the same on merits within one month of receiving copy of the judgment and at any rate before 31.01.2008. It is made clear that this court has not expressed any opinion on the merits of the grounds raised.

srd **PIUS C.KURIAKOSE, JUDGE**